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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

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<i>Applicant:</i>	Timothy D. Allen, et al.	<i>Examiner:</i>	Harbeck, Timothy
<i>Serial #:</i>	09/858,384	<i>Art Unit:</i>	3692
<i>Filing Date:</i>	16 May 2001	<i>Date:</i>	27 February 2007
<i>Title:</i>	Method for Mortgage Customer Retention		

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Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Rule 132 Declaration

State of Florida  
County of Collier

Declarant, Timothy D. Allen, declares and states as follows:

1. That I started my career in mortgage lending in 1983 and I am currently District Manager of National City Mortgage Bank, in Naples Florida, and have been at the company for one year;
2. That prior to my employment at National City Bank, I was employed at Chase as a Sales manager & Loan Officer for five years;
3. That I have been employed in the financial industry, and have dealt with loans and mortgages for more than sixteen years;
4. That I am also involved with the Mortgage Bankers Association of Florida, for the several years and am currently President Elect of that organization;
5. That I have been an Advisory Board member for Fannie Mae from 2000-2006;
6. That I have authored a published manual for new mortgage loan professionals;
7. That I graduated from West Liberty State College in West Liberty West Virginia with a Bachelors Degree in Public Administration;
8. That my responsibilities as District Manager of National City Bank include overseeing processing and sales, recruiting, training, planning, budgeting for operations in Naples, Fort Myers, Punta Gorda and Marco Island Florida;
9. That I have reviewed the Office Actions issued by the Examiner on October 20, 2005, June 16, 2006 and December 1, 2006 and have read and understood the

references identified therein, including the most recently cited references, namely US Patent Application Publication 2001/0056397 by Kelly et al. (the "Kelly reference") and am familiar with the teachings contained therein as one of ordinary skill in the art with similar qualifications would understand them;

10. *That* the cited Kelly reference does not teach of a process that allows a customer with a pre-existing mortgage instrument to initiate a modification of the rates of that pre-existing mortgage instrument;
11. *That* to utilize the mortgage instrument described in the cited Kelly reference, the customer must first refinance their pre-existing mortgage instrument opting to initiate the mortgage instrument described in the Kelly reference before the customer is able to benefit from the modifications to that new mortgage instrument, as can be seen from the language of Kelly at Page 2, Para 0021: "the present invention begins with a mortgagee contracting for (and obtaining) a **new type of mortgage instrument** that includes a contractual provision specifying that the mortgage rate of the instrument will decrease under certain market conditions..." (emphasis added);
12. *That* the invention of the present application eliminates the above described essential steps required to utilize the instrument of the Kelly reference, and instead allows the customer to benefit from modifications to their already pre-existing mortgage instrument, without requiring any refinance of the pre-existing mortgage instrument;
13. *That* the differences between the present invention and the mortgage instrument taught by Kelly are shown in the diagram appearing on the following page, which is a modification of the existing Figure 1 of the present patent application;

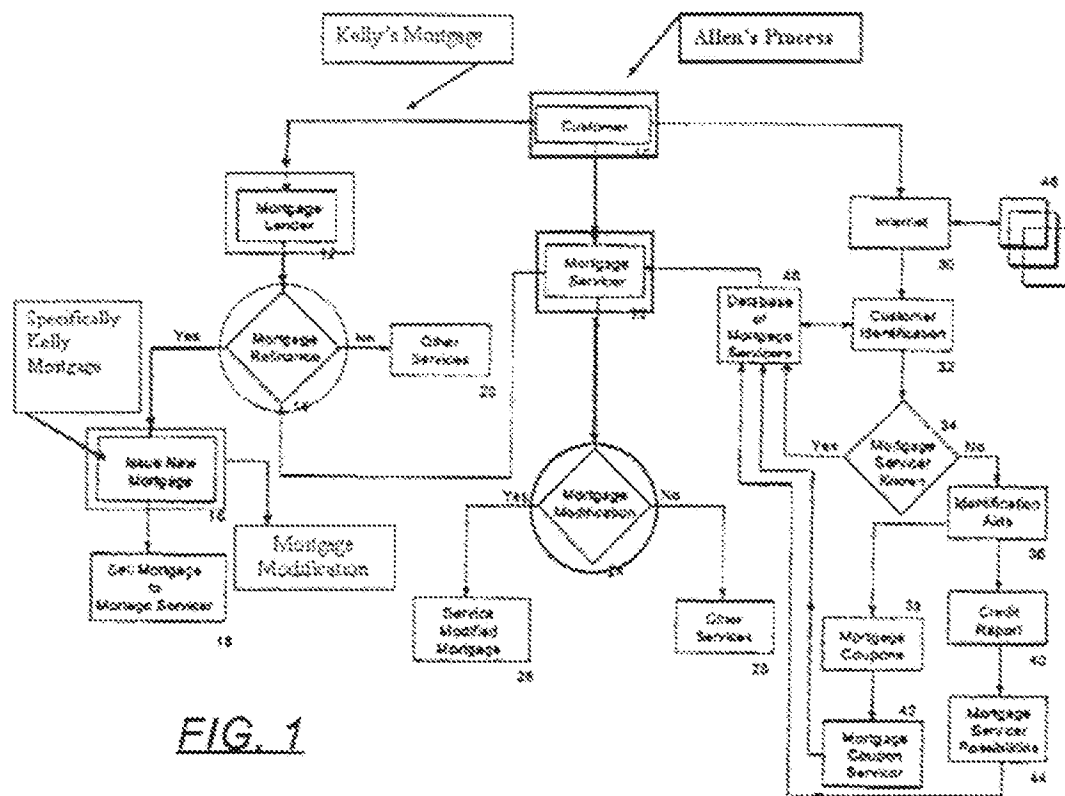
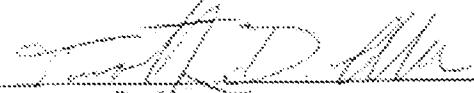


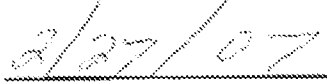
FIG. 1

14. That to the best of my knowledge, the process disclosed in the present patent application is not available and no other process directs customers back to the serving department instead that allows for the modification of a customer's pre-existing mortgage instrument without requiring the customer to complete a refinancing or initiate any new mortgage instrument before benefiting from modifications to the mortgage instrument;
15. That the mortgage modification process is not disclosed in the Kelly reference, and is not an obvious variation of the Kelly reference.

That declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

false statements and the like so made are punishable by fine, imprisonment or both under §1001 of Title 18 of the United States Code, and that the willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
\_\_\_\_\_  
Timothy D. Allen

  
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Date

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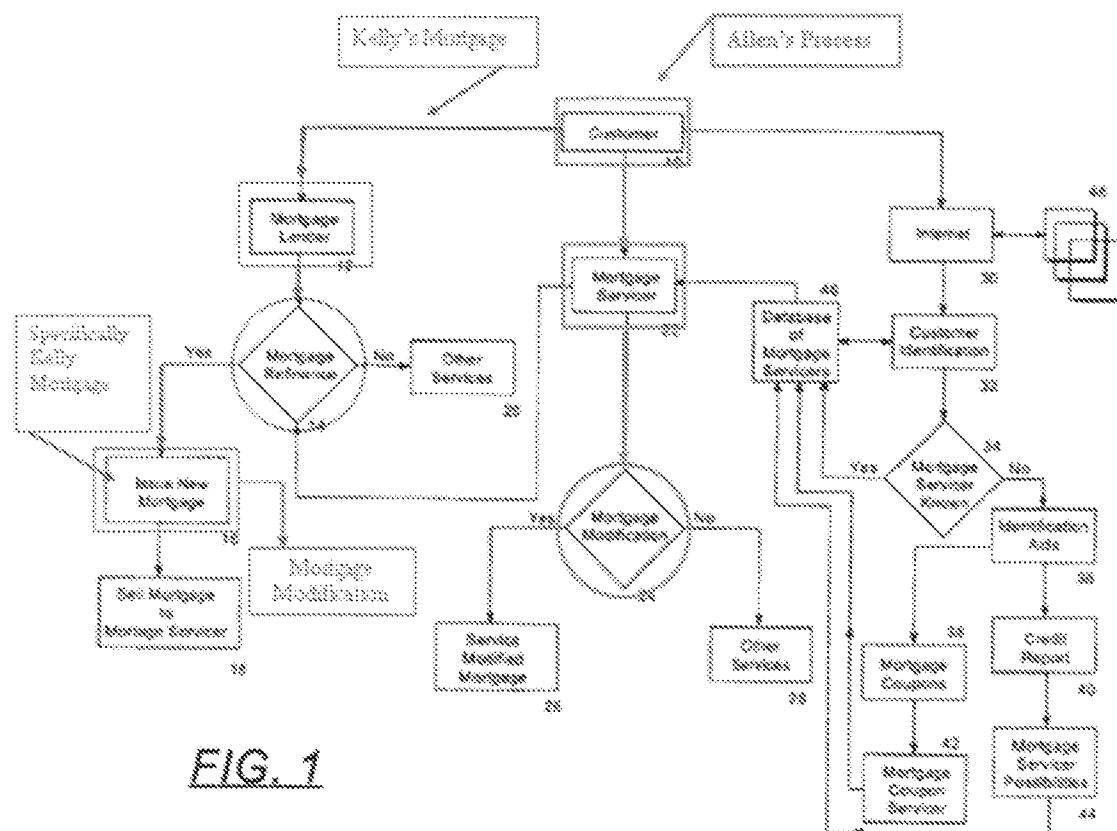
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10. *That* the cited Kelly reference does not teach of a process that allows a customer with a pre-existing mortgage instrument to initiate a modification of the rates of that pre-existing mortgage instrument;
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12. *That* the invention of the present application eliminates the above described essential steps required to utilize the instrument of the Kelly reference, and instead allows the customer to benefit from modifications to their already pre-existing mortgage instrument, without requiring any refinance of the pre-existing mortgage instrument;
13. *That* the differences between the present invention and the mortgage instrument taught by Kelly are shown in the diagram appearing on the following page, which is a modification of the existing Figure 1 of the present patent application:



14. That to the best of my knowledge, the process disclosed in the present patent application is not available and no other process directs customers back to the serving department instead that allows for the modification of a customer's pre-existing mortgage instrument without requiring the customer to complete a refinancing or initiate any new mortgage instrument before benefiting from modifications to the mortgage instrument;
15. That the mortgage modification process is not disclosed in the Kelly reference, and is not an obvious variation of the Kelly reference.

That declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

false statements and the like so made are punishable by fine, imprisonment or both under §1001 of Title 18 of the United States Code, and that the willful false statements may jeopardize the validity of the application or any patent issuing thereon.

\_\_\_\_\_  
Timothy D. Allen

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Date

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